THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.33600 of 1998

Dated: 28.03.2007

Between:

Cooperative Collective Farming Society,
Peravaram village, Atreyapuram Mandal,
East Godavari District, rep., by its President,
Sri Gosala Surya Rao S/o Kistamma and others.

..... PETITIONERS

AND

The District Collector, East Godavari at Kakinada
and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.33600 of 1998

ORDER:

First petitioner is a Cooperative Society and petitioners 2 to 80 are its members, and they belong to Schedule Caste community. On 14.07.1977, the then Tahsildar, Kothapeta Taluk, leased out an extent of Ac.0.50 cents of land in Sy.Nos.208, 209, 254 and 256 to 260 of Peravaram village to each member of the society. He also issued D-Form pattas for Ac.0.50 cents of land in Sy.Nos.238 to 244 of Peravaram village to each member of the society. Since then, the petitioners claim to have been in possession and enjoyment of the same and they are also statedly paying land revenue to the revenue authorities. While so, on the representation made by non-members of the society, the respondents pressurized the petitioners to part with fifty per cent of the

land, and are trying to assign the same to others and also trying to evict them from the lands in their possession, without following due process of law. Aggrieved thereby, this writ petition is filed.

A counter is filed on behalf of the respondents stating that the petitioner's village, Peravaram, is situated near flood bank on the right bank of Goutami river and lanka lands are also existing on the right bank of Godavari. Petitioners applied for grant of lease as well as patta of lanka lands, and after survey operations, the vacant lands have been identified as Abothulanka admeasuring Acs.51.49 cents and Vankodu lanka admeasuring Acs.29.50 cents. The petitioners were granted D-Form patta of lanka lands in Sy.Nos.238 to 244 and were cultivating the same. Thereafter, on the representation made by the petitioners, the then Tahsildar, Kothakota leased out Ac.0.50 cents of lanka lands in Sy.Nos.208 and 209 to each of the petitioners. Subsequently, the land, in respect of which D-Form pattas were granted to the petitioners, was eroded and recently new accredited lanka lands came into existence. Thereafter, new members of the Scheduled Caste community in the petitioners' village applied for assignment of the newly accredited lanka lands. On coming to know the same, the petitioners created law and order problem in the village and after convening a meeting on 07.11.1998, the revenue authorities assigned an extent of Acs.24.00 cents in Abothulanka lands out of Acs.51.49 cents to the petitioners and the new members were given an extent of Acs.20.00, and the lands were also handed over to the petitioners. In spite of the same, they filed the instant writ petition so as to deprive the other members of the Schedule Caste Community. Hence, this writ petition is liable to be dismissed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

As the grievance of the petitioners is that the respondents are trying to evict them without following due process of law, the respondents are hereby directed not to evict the petitioners without following due process of law.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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28.03.2007

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